

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

UNITED STATES OF AMERICA

VS.

JAMES MACEO RAMEY

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CRIMINAL NO. H-04-188

**MEMORANDUM AND OPINION**

The defendant, James Maceo Ramey, has filed a motion and an amended motion for new trial. (Docket Entry Nos. 229, 230). The government has responded and asked for sanctions and an expedited ruling. For the reasons stated below, the motions for new trial are denied. The motion for sanctions is denied at this time. The motion for an expedited ruling is moot.

The history of Ramey's civil and criminal cases is set out in other opinions in this and other cases. Ramey is an unrepentant frequent litigant, a serial bankruptcy filer, and a convicted felon. He moves for a new trial on a number of grounds. The government properly points out that many of the grounds are simply reassertions of arguments Ramey has previously raised and this court has previously rejected. The ground for relief raised in this motion and not previously rejected is that Bankruptcy Case 03-60254, in which the November 2003 seizure order issued, had been dismissed in June 2003. As a result, according to Ramey, the bankruptcy court had no jurisdiction to issue the seizure order in November 2003 and the resulting events and evidence that formed the basis of this criminal conviction were improper, requiring a new trial.

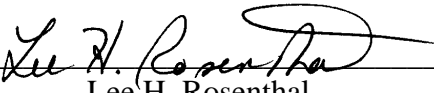
Ramey's arguments are flawed in a number of respects. But it is sufficient to deny the relief

he seeks to point out that the factual assertion on which he relies is wrong. As the government points out, the trustee in the bankruptcy case did move on June 5, 2003 to dismiss Ramey's bankruptcy filing because Ramey had failed to file required disclosures and other documents. But on July 29, 2003, the trustee withdrew his motion to dismiss. The case continued. Ramey's motion for new trial on the basis that the bankruptcy case had been dismissed in June 2003 is denied.

The government requests an order precluding Ramey from any additional filings unless he seeks permission from the court. Although the court declines to impose such a measure at this time, Ramey is admonished that filing frivolous or baseless motions may lead to sanctions, including a monetary fine or a preclusion order.

The motion for expedited ruling is moot.

SIGNED on May 17, 2010, at Houston, Texas.

  
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Lee H. Rosenthal  
United States District Judge